

1 MESCH CLARK ROTHCHILD

2 259 North Meyer Avenue

3 Tucson, Arizona 85701

4 Phone: (520) 624-8886

5 Fax: (520) 798-1037

6 Email: TCope@mcrazlaw.com

7 Email: JSutton@mcrazlaw.com

8 ecfdc@mcrazlaw.com

9 By: Thom K. Cope, # 25178

10 Jana L. Sutton, #032040

11 26068/lr

12 *Attorneys for Plaintiff*

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF ARIZONA**

15 Maggie Doll, a married woman,

16 Plaintiff,

17 v.

18 Haven Health Management, LLC

19 Defendant.

No.

COMPLAINT

20 **PARTIES, JURISDICTION, AND VENUE**

21 1. Plaintiff Maggie Doll is a resident of Navajo County, Arizona.

22 2. Defendant Haven Health Management, LLC (“Haven”) is a Limited Liability
23 Company doing business in Navajo County, Arizona.

24 3. At all relevant times, Haven’s managerial employees were acting within the
25 course and scope of their employment with Haven.
26

1 4. This Court has jurisdiction under 28 U.S.C. § 1331.

2 5. The Court has pendent jurisdiction over the state law claims under 28 U.S.C. §
3 1367.

4 6. The unlawful employment practices described in this Complaint were
5 committed in Navajo County, Arizona.

6 7. Venue is proper in this Court under 28 U.S.C. § 1391(b).

7 **GENERAL ALLEGATIONS**

8 8. Defendant Haven is a skilled nursing facility that employs more than 300
9 people.

10 9. Plaintiff Maggie Doll began working for Haven as a wound care nurse on or
11 about February 14, 2020.

12 10. During the time relevant to this Complaint, Plaintiff was an “employee” and
13 Defendant was an “employer” for purposes of the Americans with Disabilities Act
14 (“ADA”), the Genetic Information Nondiscrimination Act (“GINA”), and Arizona’s Paid
15 Sick Leave Act.

16 11. On or about December 7, 2020, a resident at the Haven facility where Maggie
17 Doll worked was diagnosed with COVID-19, and Ms. Doll personally tested every resident.

18 12. When Haven implemented COVID-19 protocols, it created “COVID” and
19 “Non-COVID” areas without any transition space.

20 13. When Maggie Doll raised the lack of a transition space as an issue, her
21 supervisor, Ryan Fair, stated that it was unnecessary.

22 14. On or about December 21, 2020 Haven was cited by the state for failure to
23 implement adequate infection control, including for not having a transition unit between
24 COVID and non-COVID units.

25 15. In December through early January, Maggie Doll continued to raise concerns
26 regarding safety issues to her supervisors, including staffing, regular COVID testing,

1 improper discharge procedures, and lack of interdisciplinary team (“IDT”) meetings at
2 Haven.

3 16. On or about January 15, 2021, Defendant’s agents, Ryan Fair and Vindee
4 Brogan, asked Ms. Doll for a meeting.

5 17. At that meeting, Maggie Doll was asked to stop raising concerns regarding
6 staffing, testing, and other safety issues.

7 18. When Maggie Doll arrived at work on January 25, she had not yet put on a
8 face shield and was standing near, but socially distanced from, other Haven employees who
9 were not wearing face protection.

10 19. Ryan Fair approached the group, turned to Ms. Doll specifically, and yelled at
11 her that if she could not abide by Haven’s PPE requirements, she had to leave.

12 20. Maggie Doll removed herself from the situation by going to the staff break
13 room and, after taking time to compose herself, exited the building to her car.

14 21. While in her car, Ms. Doll sent a message to Mr. Fair and Ms. Brogan
15 notifying them that she needed to take a leave of absence.

16 22. Mr. Fair responded: “If this is a resignation, please see Melissa to fill out the
17 proper paperwork and we will honor it effective immediately.”

18 23. Ms. Doll did not fill out any termination paperwork.

19 24. Ms. Doll did not inform anyone at Haven that she wanted to or intended to
20 resign from her employment.

21 25. After leaving Haven on January 25, Ms. Doll informed Haven she was on sick
22 leave.

23 26. Ms. Doll continued to call in sick and worked with other nurses, through text
24 messages and her work email, to coordinate schedules on January 26 and 27.

25 27. On January 27, a nurse asked Ms. Doll if she was coming in that day.

26 28. On January 28, another nurse asked Ms. Doll about one of Haven’s residents.

65. As a direct and proximate result of Defendant's prohibited conduct, Plaintiff has been damaged.

REQUESTS FOR RELIEF

Plaintiff respectfully requests:

- A. Compensatory damages in an amount to be proven at trial;
- B. Back pay and front pay in an amount to be proven at trial;
- C. Emotional distress damages in an amount to be proven at trial;
- D. Punitive damages in an amount to be proven at trial;
- E. Penalties of \$150 per day from the day of her termination for violations of the Arizona Mandatory Paid Sick Leave Act provisions.
- F. Additional damages of \$100 per day since 30 days after the date of termination under 29 U.S.C. § 1132(c);
- G. Reasonable costs and attorney fees; and
- H. Such other relief as the Court deems just.

DATED: January 20, 2022

MESCH CLARK ROTHSCHILD

By: /s/ Thom K. Cope
Thom K. Cope
Jana L. Sutton
Attorneys for Plaintiff

/s/ *Lisandra R. Ruiz*

2907980